

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Promoting Interoperability in the 700 MHz) WT Docket No. 12-69
Commercial Spectrum)
)
Interoperability of Mobile User Equipment)
Across Paired Commercial Spectrum Blocks)
in the 700 MHz Band)

To: The Commission

REPLY COMMENTS OF THE BLOOSTON RURAL CARRIERS

The law firm of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP, on behalf of its rural LEC and wireless clients (the “Blooston Rural Carriers”), hereby submits these reply comments to the Notice of Proposed Rulemaking in the above-captioned proceeding, in which the Commission seeks to promote interoperability in the Lower 700 MHz Band and to encourage the efficient use of this spectrum.¹

Upon review of the initial comments in this proceeding, there is clear consensus among independent and rural 700 MHz service providers and their trade associations,² consumer advocacy groups,³ nationwide competitors of AT&T and Verizon Wireless,⁴ and advocates for interoperability between commercial 700 MHz Band networks and the

¹ In the Matter of Promoting Interoperability in the 700 MHz Commercial Spectrum/Interoperability of Mobile User Equipment Across Paired Commercial Spectrum Blocks in the 700 MHz Band, *Notice of Proposed Rulemaking*, WT Docket No. 12-69, 77 FR 19575 (April 2, 2012).

² *See, e.g.*, Comments of Blooston Rural Carriers (*filed* June 1, 2012); Comments of Cavalier Wireless, LLC and Continuum 700 LLC (*filed* June 1, 2012); Comments of Cellular South, Inc. (*filed* June 1, 2012); Comments of Horry Telephone Cooperative, Inc. (*filed* June 1, 2012); Comments of King Street Wireless, L.P. (*filed* June 1, 2012); Comments of Metro PCS Communications, Inc. (*filed* June 1, 2012); Comments of McBride Spectrum Partners, LLC (*filed* June 1, 2012); Comments of National Telecommunications Cooperative Association (*filed* June 1, 2012); Comments of NTCH, Inc. (*filed* June 1, 2012); Comments of RTG, Inc. (*filed* June 1, 2012); Comments of Vulcan Wireless, LLC. (*filed* June 1, 2012) and Comments of United States Cellular Association (*filed* June 1, 2012).

³ *See* Comments of Consumers Union, Public Knowledge, New America Foundation and Free Press (*filed* June 1, 2012).

⁴ *See* Comments of Cricket Communications, Inc. (*filed* June 1, 2012) and Comments of T-Mobile USA, Inc. (*filed* June 1, 2012).

700 MHz public safety broadband network (PSBN),⁵ that the Commission should impose a 700 MHz Band interoperability requirement, and that it should start with the Lower 700 MHz Band (*i.e.*, 3GPP Band Class 12).⁶ The only opponents of interoperability are those who have an obvious economic interest in preserving the status quo such as Verizon Wireless and AT&T (who can suppress competition and preserve their overwhelming dominance of the market for 700 MHz Band services by preventing interoperability), equipment manufacturers such as QUALCOMM Incorporated, Motorola Mobility and Research In Motion Corporation (who are beholden to Verizon and AT&T as their largest customers), and the Consumer Electronics Association (representing the interests of the equipment manufacturers). No commenters in this proceeding have disputed the benefits of 700 MHz band interoperability. Indeed, the Commission itself has recently recognized many benefits of having such interoperability, including “encouraging the affordability and availability of 4G equipment, enhancing competition by facilitating consumer choice, and facilitating the widespread deployment of broadband services and competition, including access to broadband in rural and underserved areas ... [and] greater roaming opportunities between 700 MHz licensees.”⁷

I. The FCC Has Ample Authority to Impose a 700 MHz Band Interoperability Requirement

A significant majority of commenters in this proceeding agree that the Commission has authority under Title III the Communications Act to impose a 700 MHz

⁵ Comments of Utilities Telecommunications Counsel (*filed* June 1, 2012).

⁶ Although this may not be immediately feasible, the Blooston Rural Carriers believe that full 700 MHz band interoperability (including Upper and Lower 700 MHz bands) should be the ultimate goal of this proceeding because this would allow for interoperability with the open-access Upper 700 MHz C-Block and provide the greatest consumer benefit and economies of scale.

⁷ See Application of AT&T Inc. and Qualcomm Incorporated for Consent to Assign Licenses and Authorizations, *Order*, 26 FCC Rcd 17589, ¶ 70 (rel. Dec. 22, 2011).

Band interoperability requirement.⁸ Moreover, even one of the staunchest opponents to interoperability, AT&T, has conceded in the context of antitrust litigation with Cellular South and Corr Wireless that the FCC alone should address the anticompetitive impact of the lack of interoperability in the Lower 700 MHz because “management of spectrum policy is a matter that falls particularly within the [FCC]’s discretion.”⁹ The Blooston Rural Carriers believe that the Commission’s authority to impose interoperability requirements for 700 MHz band networks is beyond dispute and join the chorus of commenters that have urged the FCC to act promptly to remedy this situation.¹⁰ Vulcan Wireless correctly observes that prompt resolution of the 700 MHz interoperability issue will serve the public interest by creating certainty for A Block licensees as they deploy their networks and potentially seek Mobility Fund proceeds for which they may be eligible, by helping to alleviate the spectrum crunch caused by the intense demand for wireless spectrum, and by abating economic harm that has resulted from delayed service in the A Block.¹¹

II. Empirical Studies Roundly Contradict AT&T’s Interference Claims

Proponents of 700 MHz Band interoperability have presented the Commission with extensive empirical evidence confirming that interoperability across the Lower 700 MHz Band will not cause harmful interference to Lower 700 MHz B- and C-Block

⁸ See, e.g., Cavalier/Continuum Comments at p. 16; Consumer Advocacy Group Comments at pp. 19-21; Horry Telephone Comments at pp. 6-7; Cricket Comments at pp. 3-6; Rural Cellular Association Comments at pp. 6-9; Cellular South Comments at pp. 2-4; T-Mobile USA Comments at pp. 22-24; NTCA Comments at pp. 12-13; King Street Comments at p. 18,

⁹ Cellular South Comments at p. 9 (citing AT&T Mobility, LLC’s Memorandum of Law in Support of its Motion to Dismiss Corr/AT&T Antitrust Litigation at p. 31).

¹⁰ See, e.g., Metro PCS Comments at p. 4; Cricket Comments at pp. 6-10; Vulcan Wireless Comments at pp. 42-46; Cavalier/Continuum Comments at pp. 15-16; Consumers Union Comments at pp. 17-19.

¹¹ Vulcan Wireless Comments at p. 42

device reception. Lab and field tests performed recently by and on behalf of a consortium of Lower 700 MHz A-Block license holders, including Cavalier Wireless, C Spire Wireless, Continuum 700, King Street Wireless, MetroPCS, U.S. Cellular, and Vulcan Wireless (collectively, “the Lower A-Block Licensees”), roundly contradict claims raised by AT&T and others with respect to 700MHz Band interoperability and roaming.¹² The Lower 700 MHz Test Report used commercially available AT&T equipment and demonstrated that that no interference would result to Lower B and C Block operations if Band Class 12 devices were employed near Lower E Block and Channel 51 broadcast stations. Moreover, Lower 700 MHz A-Block system deployment would no doubt be aided by conditions imposed on Channel 51 and the Lower E Block, but such conditions do not impact Lower B- and C-Block device performance and are not an interoperability prerequisite.¹³

The laboratory and field studies entered into the record with the *May 29 Ex Parte Presentation and Test Report* conclusively demonstrate that interoperability between Lower 700 MHz A, B, and C Blocks is technically feasible. The studies also show that Band Class 12 devices that comply with 3GPP performance specifications would exhibit normal performance in a Lower B- and C-Block commercial network, and the use of Band Class 12 devices by AT&T for its Lower B- and C-Block customers would pose no threat to their user experience.¹⁴

¹² See May 29, 2012, Ex Parte Presentation of The Lower A-Block Licensees, and Lower 700 MHz Test Report: Laboratory and Field Testing of LTE Performance near Lower E Block and Channel 51 Broadcast Stations (“*May 29 Ex Parte Presentation and Test Report*”).

¹³ *Lower 700 MHz Test Report* at pp. 4-5.

¹⁴ *Id.*

III. The Commission Should Waive or Extend the Interim Build-Out Requirement for Licensees That Seek to Deploy Interoperable Networks

Due to the lack of availability of mobile devices and network equipment that allows interoperability across the Lower 700 MHz band, and lack of roaming service for Tier III Lower 700 MHz Band licensees that choose to deploy interoperable mobile networks, the Blooston Rural Carriers have raised a question whether the Commission should consider deferring its June 2013 interim build-out deadline. Other commenters have voiced similar concerns and suggested that Lower 700 MHz A- and B-Block licenses could be forced into having to seek waivers or extensions of the June 13, 2012, interim construction deadline.¹⁵

The availability of 700 MHz LTE roaming service is vital to the success of rural and independent 700 MHz Band service providers and it is doubtful that companies seeking to compete with AT&T and Verizon Wireless will be able to succeed without it. Because this lack of 700 MHz Band interoperability could not be foreseen by bidders that participated in Auction 73, and because an interoperability mandate will not be immediately effective, the Blooston Rural Carriers urge the FCC to defer the June 2013 interim build-out requirement for all Tier III Lower 700 MHz Band licensees (A-, B- and C-Block) until one year after the FCC finds and announces by *Public Notice* that Band Class 12 devices and network equipment is readily available. In the alternative, the Commission should adopt a flexible extension policy for Tier III Lower 700 MHz Band licensees that demonstrate they will need additional time to deploy 3GPP Band Class 12 mobile facilities.

¹⁵ Horry Telephone Comments at p. 5 (Note 11); RCA Comments at p. 14 (Note 42 – “even assuming an interoperability solution is developed in the near term, buildout extensions will be necessary for many carriers.”)

Conclusion

Wherefore, the Blooston Rural Carriers urge the Commission to foster Lower 700 MHz Band interoperability by adopting measures consistent with these comments.

Respectfully submitted,
BLOOSTON RURAL CARRIERS



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The Blooston Rural Carriers

BEK Communications Cooperative.....	Steele, ND
Buggs Island Telephone Cooperative, Inc.	Bracey, VA
Consolidated Telcom	Dickinson, ND
Custer Telephone Cooperative, Inc.....	Challis, ID
Dakota Central Telecommunications.....	Carrington, ND
Dickey Rural Telephone Cooperative.....	Ellendale, ND
Kennebec Telephone Company	Kennebec, SD
KTC AWS Limited Liability Company.....	Kennebec, SD
Ligtel Communications, Inc.....	Ligonier, IN
Manti Telephone Company.....	Manti, UT
Midwest AWS Limited Partnership.....	Spring Grove, MN
Polar Communications Mutual Aid Corporation.....	Park River, ND
PVT Networks, Inc.	Artesia, NM
Red River Rural Telephone Association.....	Abercrombie, ND
Reservation Telephone Cooperative	Parshall, ND
Sky Com 700 MHz, LLC.....	Abercrombie, ND
Star Telephone Company, Inc.....	Baton Rouge, LA
Webster-Calhoun Cooperative Telephone Association.....	Gowrie, IA
West River Telecommunications Cooperative	Hazen, ND
WUE, Inc.	Pioche, NV